

Tuesday, May 10,
2005

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

PRESENT: Supervisors Harry L. Ovitt, Jerry Lenthall, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Shirley Bianchi

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON SHIRLEY BIANCHI.

SUM AGN

1 A-1-A **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and on the following roll call vote:**

AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson,
Chairperson Bianchi

NOES: None

ABSENT: None

RESOLUTION NO. 2005-128, resolution commending PG&E for its Century of Service to the Residents of San Luis Obispo County and the State of California, adopted.

Supervisor Patterson: reads the resolution and presents the same to Mr. Tom Jones who is representing PG&E.

Mr. Jones: thanks the Board and outlines the plans for this resolution before it comes back to San Luis Obispo.

2 A-1-B **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and on the following roll call vote:**

AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson,
Chairperson Bianchi

NOES: None

ABSENT: None

RESOLUTION NO. 2005-129, resolution proclaiming May 8-14, 2005 at "Wildfire Awareness [sic] Week" and "California Department of Forestry and Fire Protection 100-Year Anniversary," adopted.

Chairperson Bianchi: reads the resolution and presents the same to Mr. Matt Jenkins, County Fire/CDF.

Mr. Jenkins: thanks the Board for the recognition; addresses the new 100 foot clearance requirement around homes and the need to be fire safe.

Rev. C. Hite: commends CDF and all firefighters for their service; commends PG&E for all they do in providing services to the public.

3 A-1-C Submittal of resolution recognizing Steve Sinton as the American Farmland Trust Steward of the Land is added to the agenda (all requirements of the Brown Act were satisfied as this notice was posted prior to the 72-hour noticing requirement.) and said item is withdrawn to be brought back at a later date.

4 PC This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Mr. Paul Berdoulay: states he is an A & P Mechanic that worked at the Airport for 19 years; states he is being denied access to the Airport by Airport management due to Title 24 of the County Code; indicates that he is being told that pursuant to Title 24 he needs commercial space and an indemnity policy in order to work at the Airport; believes this is in direct violation to the Federal Aviation Regulations and presents copies of the same; states that as an A&P Mechanic he's not required to have a fixed base of operation, that's only required for inspection authorization; asks the Board for emergency exemption from Title 24 so he can continue to pay his bills.

Mr. Jesse Arnold: speaks regarding Genetically Engineered Crops (GE); indicates he one of many who don't want to eat GE foods and asks the Board to take up a resolution in support of labeling of GE food; cites from written information regarding the "myths" of GE products.

Ms. Ann Ream: SLO Arts Council, introduces, Ms. Katrin Colamarino, the new Executive Director for the Arts Council.

Ms. Colamarino: states she is delighted to be here and is looking forward to working with the Arts Council and the Board of Supervisors.

Ms. Betty Winholtz: states she is speaking as a member of the Save the Park Non-Profit group; states a year ago was before the Board regarding State Park's girdling trees inside the Park and presents a number of photographs showing what they have done to the trees in this Park; reason she is back about this is that they have re-girdled and poisoned trees; speaks further regarding the Habitat Conservation Plan (HCP) that State Parks is asking for on all six parks in the County; meeting will be held on June 8th at the Embassy Suites regarding this HCP.

Ms. Dale Magee: Superior Court Jury Services, this is Juror Appreciation Week; thanks the more than 4,400 people who showed up for jury service this past year and the more than 80,000 who received summons and would have shown up if needed; states Community Law Night is again being co-hosted with the Bar Association; addresses the events that will be occurring that night.

Rev. C. Hite: addresses the issue of not "hearing, seeing or speaking evil."

Mr. Eric Greening: asks for a moment of silence to remember Marlene Brown, Manager of Carrizo Plains National Monument, who died last week; speaks to her exemplary professionalism and her dedication to resource protection have helped the County achieve the legacy that is seen today which is a fully functioning valley grassland ecosystem; states that the District 5 Supervisor usually serves on the Carrizo Plains National Monument Advisory Committee and questions whether the Bureau has installed him on this committee yet.

Ms. Patti Andreen: speaks to the editorial by Mr. Edge and was happy to see the information on timing for the Dalidio project should it come to the County; outlines the things she believes should be looked at with respect to this project, by the developer, in an attempt to meet the needs of the community. **No action taken.**

5 B-PC This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

Mr. Eric Greening: addresses Item B-1 and hopes the staff report presented on the hearing date will have more information than what has been included today.

Mr. Bill McGuire: speaks to Item B-6 and presents his comments for the record and highlights the same; commends the department for adding the agreement with the Turning Point Detox Services; questions whether funding from Proposition 36 is due to end soon.

Rev. C. Hite: speaks to Item B-7 and commends the Pismo Beach Police for their handling of minors buying/drinking alcohol; comments on Item B-4 regarding the County's response to the Grand Jury report regarding County services.

Ms. Susie Hermreck: Chairperson for the Nipomo Community Advisory Committee, speaks to Item B-1 and requests that the Growth Rate in the Nipomo area be reduced to 1%.

Ms. Julie Tacker: speaks to Item B-1 and the Los Osos area and her concern regarding the recent release of the Draft Groundwater Management Report for this area; concerns that it hasn't been reviewed by the District and it shows the area is in an overdraft. **No action taken.**

6 B-1 Consent Agenda Item B-16 is withdrawn. Item B-23 is amended to correct the thru staff report to show a 4/5th vote is required for this item.
B-27

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and on the following roll call vote:

AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson,
Chairperson Bianchi

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-27 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-27, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items Set for Hearing/Bid Opening:

B-1 Introduction of ordinance amendments to Title 26 (Growth Management Ordinance) of the County Code to maintain the Countywide growth rate at 2.3% and set the Nipomo Mesa Area rate at 1.8%; All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for May 24, 2005 at 9:00 a.m..**

B-2 Plans and specifications (Clerk's File) for Supplemental Contract Construction Plans for the enhancement of Main Street in Cambria; 2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for June 9, 2005 at 3:00 p.m..**

B-3 Plans and specifications (Clerk's File) for El Moro Avenue Bikeway; 2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for June 9, 2005 at 3:00 p.m..**

Administrative Office Items:

B-4 Board of Supervisor's response to the 2004-2005 Grand Jury Report, **Approved.**

B-5 Cancellation of the May 17, 2005 Board of Supervisors meeting to accommodate the move to the new Government Center, **Approved.**

Behavioral Health Items:

B-6 County's 2005-06 implementation plan for Proposition 36, The Substance Abuse and Crime Prevention Act of 2000, **Approved.**

B-7 1) A renewal agreement (Clerk's File) with San Diego State University Foundation for coordination of daily activities and reporting aspects of the local California Enforcement of Underage Drinking Laws – Community Trials Project in the County; and 2) a corresponding budget adjustment in the amount of \$26,030 from unanticipated revenue, **Approved.**

District Attorney Items:

B-8 Grant agreement in the amount of \$187,887 with the State Office of Emergency Services for the continuing administration of a victim witness assistance program for fiscal year 2005-2006, **Approved.**

B-9 1) **RESOLUTION NO. 2005-130**, authorizing the county to renew a contract for Criminal Restitution Compact (CRC), **Adopted**; and 2) a renewal contract in the amount \$78,162 for a Criminal Restitution Compact (CRC) for the District Attorney's Office with the Victim Compensation and Government Claims Board for Fiscal Years 2005-2006 and 2006-2007, **Approved**.

B-10 **RESOLUTION NO. 2005-131**, authorizing an agreement in the amount of \$215,158 with the State Victim Compensation and Government Claims Board verification of crime victim compensation claims and for direct payment of specified expenses and use of revolving funds for Fiscal Years 2005-2007, **Adopted**.

Planning and Building Items:

B-11 Use of alternative publication procedures for amendments to Title 26 (Growth Management Ordinance) of the County Code; All Districts, **Approved**.

B-12 Use of alternative publication procedures for the Summer 2005 – General Plan Amendment Cycle and for amendments to Title 19 of the County Code; 1st, 3rd, 4th Districts, **Approved**.

Public Works Items:

B-13 Engineering services agreement with Pavement Engineering, Inc. in the amount not to exceed \$112,000 for an update of the County's pavement management system; All Districts, **Approved**.

B-14 Construction management services agreement with Lim and Nascimento Inc., in the amount not to exceed \$357,995 for the construction of a bridge over the Salinas River on Las Pilitas Road, near the community of Santa Margarita; 5th District, **Approved**.

B-15 1) Agreement with the City of San Luis Obispo for a cooperative maintenance program for streambed clearing and exotics control/revegetation for Flood Control Zone 9; and 2) authorizing the Public Works Director to sign this agreement and subsequent cooperative maintenance agreement under the condition that funding is approved by the Board in the District's annual budget; 2nd, 3rd, 4th and 5th Districts, **Approved**.

B-16 Request to approve: 1) a Memorandum of Understanding and a first contract amendment to the Nacimiento Project Water Delivery Entitlement contract; 2) a corresponding budget adjustment in the amount of \$18,390,000; and 3) submittal of a resolution to reimburse expenses related to the preliminary project efforts costs; All Districts, **Withdrawn**.

B-17 Two agreements for the sale of Lake Nacimiento Water to Lakeside Property Owners and submittal of a resolution authorizing the Director of Public Works to execute agreements for future requests for Nacimiento Lakeside Water Use; 1st District, **Approved**.

B-18 **RESOLUTION NO. 2005-133**, amending the Traffic Regulation Code for the establishment of Through-Highways on Bay Oaks Drive in Los Osos; Tejas Place in Nipomo, Marquita Avenue and Theatre Drive in Templeton; Stockdale Road and Monterey Road in Paso Robles; 1st, 2nd and 4th Districts, **Adopted**.

B-19 Budget adjustment in the amount of \$250,000 for funding of the Pedestrian Safety Improvements (sidewalk construction, curb and gutter, and bike lanes along 16th Street between "L" and Mission Street) in the community of San Miguel; 1st District, **Approved**.

B-20 **RESOLUTION NO. 2005-134**, amending the traffic regulation code with regard to stop intersection control on Valley Road at Los Berros Road near the community of Arroyo Grande; South Frontage Road at Division Street in the

community of Nipomo and Schoolhouse Lane at Eton Road in the community of Cambria; 2nd and 4th Districts, **Adopted.**

B-21 The following parcel map has been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map:

A. CO 00-0191, a proposed subdivision resulting in 4 lots, by Shirley M. Osibin, Las Tablas Road, west of community of Templeton; 1st District, **Approved.**

Other Items:

B-22 Contract with COMSYS Co. to provide training development and coordination services for the Enterprise Financial Systems project, **Approved.**

B-23 Authorization to perform extra work & furnishing of materials under an existing construction contract at the Oceano Airport for the proper completion of the project, **Approved as amended.**

B-24 **RESOLUTION NO. 2005-135**, recognizing obstetricians providing screening to assess use of tobacco, alcohol and other drugs during pregnancy, **Adopted.**

B-25 Request from Supervisor Ovitt to appoint Bob Fonarow as District One Representative to the Economic Advisory Committee, **Approved.**

B-26 Request from the Clerk-Recorder to correcting the expiration date of the term regarding the re-appointment of Nan Fowler as District Four representative to the Commission on the Status of Women to July 7, 2007, **Approved.**

B-27 **RESOLUTION NO. 2005-136**, amending the San Luis Obispo County Employees' retirement plan related to the calculation of pension benefits, **Adopted.**

7 C-1 This is the time set for continued hearing (continued from February 8, 2005) to consider the surplus and sale options for a County-owned lot on Taft Avenue in the community of Cayucos.

Ms. Caryn Maddalena: Property Manager, presents the staff report outlining the prior hearing on this item and the lack of any bids; direction by the Board as to the types of bids to look at and staff's response to that review; addresses the discussions they had with realtors as to why there were no bids received; outlines the staff recommendation.

No one appearing and thereafter, on motion of Supervisor Achadjian and unanimously carried, the Board directs staff to return with a resolution authorizing staff to re-advertise the surplus and sale of this property with a new minimum bid price after receipt and evaluation of topographical survey and soils report.

8 D-1 This is the time set for consideration of the Main Street at Pineknolls Drive, Cambria intersection analysis traffic signal installation report – Mid-State Bank Project; 2nd District.

Mr. Dave Flynn: Public Works, presents the staff report outlining need for the signal at the intersection of Main Street and Pineknolls Drive; the signal being a condition of approval for the Mid State Bank project and explains.

Mr. Rick Auricchio: Cambria resident, questions the traffic study that was done and believes it shows higher traffic levels than actually occurs; questions why the second driveway for the Mid State Bank project is not used to address this problem.

Mr. F. K. Dawson: presents a packet of information for the record and highlights the same; asks that the Board not accept the traffic report that was done; asks that the signal not be made operational at this time; states why this report is flawed.

Mr. Norman Fleming: states he lives on Pineknoll and wants this signal put in indicating he believes this is a dangerous intersection; presents a petition with 34 signatures of people in the area who want this signal installed.

Mr. Flynn: states that traffic signal is traffic activated and will stay green unless there is cross road traffic; addresses the need for the left turn maneuver in this area.

Chairperson Bianchi: states this has been an extremely difficult issue and that it has been several years since this was approved as a condition for the Mid State Bank project; addresses her concern to the cost to remove it.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board receives and approves the report, in the staff report dated May 10, 2005, on the traffic signal installation on Main Street at Pineknolls Drive.

9 E-1 This is the time set for consideration of the level of severity of the water supply in the Nipomo Mesa Area; 4th District.

Mr. John Hand: Planning, presents the staff report regarding the Level of Severity II (LOS II) for Nipomo; provides a brief history on this issue and why it is back before the Board today; addresses Table 8 from the Resource Capacity Study (RCS) that shows the detailed extraction estimates as it relates to water supply compared to water demand; states there is a need to address the imbalance between sustainable yield and demand to enable development in this area to continue; one of the things they are looking at is requiring supplemental water as a condition of approval for General Plan Amendments and land divisions; indicates one of the questions that remains is when supplemental water will be available; addresses the settlement agreement between the City of Santa Maria and Santa Maria Valley Water Conservation District; presents a copy of the letter from the Water Resources Advisory Committee (WRAC) and highlights the same which states they believe this should be a Level of Severity III.

Board Members: address various issues, comments and concerns regarding: the recommendation by the Planning Commission for the Level of Severity, with Mr. Hand responding the Planning Commission set the level at III with conditions.

Supervisor Achadjian: thanks all who participated in the discussions on this issue; questions comments on page E-1-5 and the EIR requirements if a Level III is certified; addresses the problems this will create for him.

Mr. Tim McNulty: Deputy County Counsel, gives his opinion on what will occur if a Level III is certified.

Supervisor Achadjian: questions water options outside the Nipomo Community Services District (NCS D) and if those would include private parties ability to still get State Water, with Mr. Frank Honeycutt, Public Works, responding as to the need to have an access to the pipeline.

Chairperson Bianchi: questions whether is it possible to do an Focused EIR on just water, with Mr. McNulty responding.

Chairperson Bianchi continues this item to the afternoon calendar.

10 CS The Board announces it will be going into Closed Session regarding:

I. PENDING LITIGATION (Gov. Code, § 54956.9.)It is the intention of the Board to meet in Closed Session concerning the following items:

A. Conference with Legal Counsel – Existing Litigation (Gov. Code, § 54956.9(a).) (Formally initiated) (1) Santa Margarita Area Residents Together v. County of San Luis Obispo, (2) Building a Better Environment v. County of San Luis

Obispo, (3) Maria Vista Estates (CV050242) v. County of San Luis Obispo.

B. Conference with Legal Counsel – Anticipated Litigation (Gov. Code, § 54956.9.) (4) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (5) *Initiation of litigation (Gov. Code § 54956.9(c).)* No. of cases 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code § 54957.6.) It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: (6) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Association*.

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.) It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (8) Property Description: *1001 Pacific Blvd., Oceano, CA*, Parties with whom negotiating: *Bill Rust*, Instructions to Negotiator will concern: *Price, Terms and Conditions*; (9) Property Description: *2180 Johnson Ave., San Luis Obispo*, Parties with whom negotiating: *Gail Wilcox, Caryn Maddalena*, Instructions to Negotiator will concern: *Price, Terms and Conditions*.

Chairperson Bianchi: opens the floor to public comment.

Rev. C. Hite: addresses Significant Exposure to Litigation and congratulates the County on the reduction in the number of cases under this heading; speaks to past problems, by the County, with ADA needs.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

- 11 E-1 Consideration of the level of severity of the water supply in the Nipomo Mesa Area; 4th District, is brought back on for further discussion.

Mr. Larry Vierheilig: President for the NCSB Board, introduces the members and staff that will be speaking today.

Mr. Ed Eby: NCSB Board member, addresses the water consumption on the Nipomo Mesa and the safe yield; comments on the rain from a typical rain year versus a heavy year like this one; presents information on the Nipomo Mesa water balance from 1999 thru 2004; highlights the various agencies that have acknowledged the need for a Level of Severity III (LOS III).

Mr. Jon Seitz: Counsel for the NCSB, addresses the issue of CEQA ramifications of adopting a LOS III; indicates the CEQA justification for the LOS III is found in the 11/2/2004 staff report that contained the recommendations from the Planning Commission and highlights what the Commission said to justify their recommendation; states the County is saying there are approximately 1300 units, in the pipeline, that may be exempt from LOS III determination, if adopted, which equates to approximately 500 acre feet of water; addresses the Class I impacts that have been determined through the certification of the Summit Station EIR; urges the Board to consider an LOS III for this area.

Mr. Michael LeBrun: General Manager for the NCSB, addresses their goals and actions; discusses the consumptive use of groundwater; the benefits of supplemental water; the "no impact" goal; actions of the memorandum of understanding with the city of Santa Maria; their allocation ordinance and the limit on residential water.

Mr. Vierheilig: addresses the risks of certifying a LOS II when LOS III

conditions prevail; states they are looking for a cooperative solution with the County, building industry, etc.

Supervisor Achadjian: questions General Plan Amendment requirements for other water purveyors, with Mr. Seitz responding to the discussions with the purveyors but no final decisions at this time.

Board Members: address various issues, comments and concerns regarding: conservation measures and how those are offset by the NCSO; storage capacity of the Santa Maria basin and the Mesa; why there is such low compliance for retrofitting, with Mr. Seitz and Mr. LeBraun responding.

Mr. Michael Winn: Chair for the Water Resources Advisory Committee (WRAC), states there was a unanimous vote by the Committee to support a LOS III and that is what they are recommending to this Board; they don't believe this means a moratorium in the area either.

Board Members: question Mr. Winn with response regarding the WRAC decision and conclusions; ask whether the storage capacity of the basin was discussed.

Mr. Jerry Bunin: Government Affairs Director for the Homebuilder's Association, believes they would be interested in a Joint Powers Agreement with the NCSO and interested in the discussion on this; they support the staff recommendation; the only question/concern they have is they don't think it's fair to simply make all non-agricultural users responsible for supplemental water; concerns about the amount of acre feet available based on what the NCSO says versus what Santa Maria says; concerns about changes by the NCSO they want to see some kind of benchmarks that require them to be making progress on this construction contract if they are going to not allow projects to move forward.

Chairperson Bianchi: questions if the NCSO were to apply for the additional 7,000+ acre feet from Santa Maria who will pay for it, with Mr. Bunin responding.

Mr. Dennis Sullivan: addresses the issue of discretionary permits at Cypress Ridge and his concern to a requirement for supplemental water to complete his project.

Mr. Eric Greening: WRAC member, urges the Board to support their recommendation for a LOS III and addresses the CEQA requirements for the same.

Mr. Greg Nester: states he is a local builder and lives in Nipomo; believes that new development is always the "cash cow" for these types of fixes; addresses his concern to declaring a LOS III.

Mr. Richard DeBlauw: developer, reads from a letter expressing concern to the NCSO water availability; states his development was approved twelve months ago and shouldn't be denied water; addresses CEQA exemptions to development under a certain size.

Mr. John Snyder: states he has a nursery on the Mesa; states he has spent a lot of time watching the litigation on this issue and suggests some of the information presented today is not correct and explains.

Mr. Andrew Christie: representing the San Luis Obispo Chapter of the Sierra Club, addresses the need for CEQA review if a LOS III is declared.

Mr. Terry Orton: believes the LOS II can stay without raising it to a III and explains why he believes this can occur.

Mr. Susie Hermreck: Chair for the Nipomo Community Advisory Committee (NCAC), speaks in support of a LOS III and explains why the NCAC is supporting this.

Mr. Steve Babcock: SB Planning, speaks to several projects they have in the works and wants the LOS II to be maintained.

Mr. David Gray: wants the LOS II to remain and supports the staff recommendation; concerns that a LOS III will make the housing shortage even worse.

Mr. Phil Gray: feels the LOS II is still appropriate and that the LOS III is not warranted.

Mr. Bob Blair: states that supplemental water is needed for new development; feels if the developer is paying for it all the ratepayers will bear the full cost; concerns to more impacts on the housing shortage.

Mr. John Belsher: believes this area should remain at a LOS II; there is supplemental water available from Santa Maria; reads from the proposed settlement agreement and what the judge said the issues were; presents information for the record.

Mr. LeBraun and Mr. Eby: respond to issues raised today by the public.

Supervisor Achadjian: addresses the issue of supplemental water with Mr. Eby and Mr. LeBraun responding.

Supervisor Patterson: feels this will be a very critical situation if it keeps going the way it is and supports the LOS III.

Supervisor Ovitt: addresses the issue and believes there is an over-reaction occurring as to what level is needed; doesn't support changing from a LOS II.

Chairperson Bianchi: addresses the issue; the need for water sustainability; suggests adding to the language on the supplement water that "it will be in place" before development can occur before she can support staying at a LOS II.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board directs staff, along with the help from the NCSO and other water purveyors, to look into forming a JPA (Joint Powers Agreement) to facilitate the acquisition of supplemental water and bring back information on how this can occur; find ways to reduce demand and increase supply and reduction through water conservation and reclamation programs communitywide and not just for folks within the NCSO boundaries; increase the importation of supplemental water from outside the area from whatever sources can be identified (so that if free enterprise wants to look at partnering with State Water this source should be open for them as another source other than the NCSO); staff to look at how the County can impose on private water companies to follow the same rules as the NCSO (keeping in mind whatever is done here may have a huge impact on the growth cap issues for Nipomo); initiate appropriate financing mechanism and working with the NCSO for a cost estimate for any new housing unit to pay its fair share for a new supply of water from the entire Nipomo Mesa area; all new General Plan Amendments are to provide supplemental water to offset the increase in demand as a condition of approval at the time the project is approved for construction; subdivisions need to be allowed to move forward but at the time they are ready to construct a dwelling they will be required to pay their fair share into NCSO for supplemental water in lieu of actually providing the water.

12 E-3 This is the time set to discuss proposal to distribute Public Facilities Fee – Fire Component to the communities of Oceano, Los Osos, and Santa Margarita and introduction of amendment to Title 18 to exempt projects in these communities from Fire fees and submittal of a resolution approving Public Facilities Fee agreements with Santa Margarita Fire Protection District, Oceano Community Services District and Los Osos Community Services District; All Districts.

Ms. Pat Beck: Assistant Director of Planning and Building, presents the staff report and recommendation.

Supervisor Ovitt: questions the need to do this by ordinance, with Ms. Beck

responding.

No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:

AYES: Supervisors Ovitt, Achadjian, Lenthall, Patterson,
Chairperson Bianchi
NOES: None
ABSENT: None

RESOLUTION NO. 2005-137, resolution of the Board of Supervisors of the County of San Luis Obispo approving Public Facilities Fee agreements with Santa Margarita Fire Protection District, Oceano Community Services District and Los Osos Community Services District, adopted. Further, introduction of an ordinance amendment Title 18 of the San Luis Obispo County Code relating to Public Facility Fees to exempt projects within the boundaries of the Santa Margarita Fire Protection District, the Oceano Community Services District or the Los Osos Community Services District from that portion of Public Facilities Fees that is imposed in order to project fire fighting and emergency response services, approved and the Clerk is instructed to notice said hearing for May 24, 2005 at 9:00 a.m..

- 13 C-2 This is the time set for hearing to consider amendments to the South County Circulation Study and Capital Improvement Plan regarding road improvement fees with Woodland Ventures LLC, for the Willow Road Extension and Willow Road/Hwy 101 interchange projects; 4th District. (This item was amended at the beginning of the meeting to correct the coversheet recommendation to continue this item to a later date.)

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and unanimously carried, the Board continues this matter off-calendar.

- 14 E-2 This is the time set for discussion on the Public Facilities Fee Program Update.

Ms. Pat Beck: Assistant Director of Planning and Building, presents the staff report; presents an overview of the new mapping system that shows fees for various areas of the County through a GIS demonstration; outlines what guides the Public Facility development which includes General Plans, Master Plan for Parks, Library Master Plan, Fire Master Plan; major issues are the Fire fees, Parks and Recreation Issues, fee levels, program administration changes, staffing, and community participation in program review; addresses the Fire issues; comments on the Parks Fee issues and also its relationship to Quimby Park Fees; states the most significant issue is “what is the appropriate fee.”

Mr. Dick Recht: speaks to the financial analysis they performed on the fees that are collected in the unincorporated areas of the County and what they looked at when calculating the fees; addresses the increase in housing/building costs over the past few years.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board agrees to continue the meeting past 5:00 p.m..

Mr. Jim Grant: Deputy County Administrative Officer, addresses the costs associated with fee increases and the percentage that will go toward staffing, indicating these are the “true costs” associated with fee increases.

Mr. Pete Jenny: Parks Manager, addresses the discussions about “pooling” funds; and discusses Quimby Fees.

Chairperson Bianchi: addresses the issue and likes the idea of pooling to allow for large projects to occur around the County; suggests this could happen through a rotation process.

Supervisor Patterson: questions the issue of costs associated with upkeep and maintenance, with Mr. Grant responding.

Ms. Pandora Nash-Karner: Parks and Recreation Commissioner, speaks to the importance of parks in the County; addresses the importance of pooling money; suggests the allocation process is also working well.

Ms. Beck: states that staff is looking at several issues and direction as follows: with the fire fee staff is recommending going to square footage and making it applicable to remodel projects not just new construction; with the fee level staff initially thought the increase would be in the 10-15% range but that is looking more like 30-40% range; staff will be bringing forward final fee increase recommendations and setting the matter for public hearings and the Board's final action on what those fees should be; in Parks and Recreation staff is looking for direction on pooling and also bringing Quimby Fees back at the same time; staffing issues need to be looked at as each project is proposed; questions how the Board would like community participation; indicates some of the community advisory boards are being used to help with the community outreach.

Board Members: address various issues, comments and concerns regarding: looking at establishing standards for the various fees; operations and maintenance should be reviewed; support of the square footage requirement for fire; pooling and Quimby fees for parks; holding workshops for the public and using the advisory boards as part of the public outreach on the fee issues.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board directs staff to bring back, in the form of a hearing draft, for the Public Facilities Financing Plan and Title 18 revisions with the specifics as outlined by staff.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, May 10, 2005, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Vicki M. Shelby,
Deputy Clerk-Recorder

DATED: May 31, 2005

vms